



# *COMMONWEALTH of VIRGINIA*

## *DEPARTMENT OF ENVIRONMENTAL QUALITY*

### NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800

[www.deq.virginia.gov](http://www.deq.virginia.gov)

Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director

Thomas A. Faha  
Regional Director

**STATE WATER CONTROL BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
CITY OF ALEXANDRIA, VIRGINIA, SANITATION AUTHORITY  
FOR  
ALEXANDRIA RENEW ENTERPRISES WATER RESOURCES  
RECOVERY FACILITY  
VPDES Permit No. VA0025160**

### **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 62.1-44.15, between the State Water Control Board and the City of Alexandria, Virginia, Sanitation Authority, regarding the Alexandria Renew Enterprises Water Resources Recovery Facility, for the purpose of resolving certain violations of the State Water Control Law, the applicable permit, and regulation.

### **SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "305(b) report" means the report required by Section 305(b) of the Clean Water Act (33 United States Code § 1315(b)), and Va. Code § 62.1-44.19:5 for providing Congress and the public an accurate and comprehensive assessment of the quality of State surface waters.
2. "Alexandria Renew" means the City of Alexandria, Virginia, Sanitation Authority, an authority created pursuant to the Virginia Water and Waste Authorities Act, Va. Code

§15.2-5100 et seq. doing business as Alexandria Renew Enterprises. Alexandria Renew is a “person” within the meaning of Va. Code §62.1-44.3. Alexandria Renew Enterprises is a fictitious name of the City of Alexandria, Virginia, Sanitation Authority.

3. “Board” means the State Water Control Board, a permanent citizens’ board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
4. “City of Alexandria” means the City of Alexandria, Virginia, a political subdivision of the Commonwealth of Virginia. The City of Alexandria owns and operates the sewage collection system within its municipal boundaries.
5. “CSO Permit” means VPDES Permit No VA0087068, which was transferred from the City of Alexandria to Alexandria Renew on September 1, 2018.
6. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
7. “Director” means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. “Discharge” means discharge of a pollutant. 9 VAC 25-31-10.
9. “Discharge of a pollutant” when used with reference to the requirements of the VPDES permit program means:
  - (a) Any addition of any pollutant or combination of pollutants to surface waters from any point source; or
  - (b) Any addition of any pollutant or combination of pollutants to the waters of the contiguous zone or the ocean from any point source other than a vessel or other floating craft, which is being used as a means of transportation.
10. “DMR” means Discharge Monitoring Report.
11. “Effluent” means wastewater – treated or untreated – that flows out of a treatment plant, sewer, or industrial outfall.
12. “Facility” or “Plant” means the Alexandria Renew Enterprises Water Resources Recovery Facility located at 1500 Eisenhower Avenue in Alexandria, Virginia, which treats and discharges treated sewage and other municipal wastes, for the residents and businesses of the City of Alexandria, Virginia, Sanitation Authority and portions of Fairfax County, Virginia.
13. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 62.1-44.15.

14. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
15. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the State Water Control Law.
16. "Permit" means VPDES Permit No. VA0025160, which was re-issued on March 1, 2015, has been administratively continued, and is currently pending re-issuance under the State Water Control Law and Regulation to City of Alexandria, Virginia, Sanitation Authority. This permit action also involved merging VPDES Permit No. VA0087068 (City of Alexandria Combined Sewer System) conditions and requirements into the permit, requiring AlexRenew to mitigate the overflows as required by the General Assembly in 2017. The Plant receives wet weather flows due to infiltration and inflow from the City of Alexandria collection system and the Fairfax County collection system and due to the City of Alexandria combined sewer.
17. "Pollutant" means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials (except those regulated under the Atomic Energy Act of 1954, as amended (42 USC § 2011 *et seq.*)), heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharged into water... 9 VAC 25-31-10.
18. "Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution." Va. Code § 62.1-44.3.
19. "Regulation" means the VPDES Permit Regulation, 9 VAC 25-31-10 *et seq.*
20. "RiverRenew" means the initiative undertaken by Alexandria Renew in response to multi-jurisdictional planning to control infiltration and inflow coming from the Fairfax County and City of Alexandria collection systems to the Plant, to the Long Term Control Plan Update for the City of Alexandria CSO and to 2017 legislation, to remediate the City of Alexandria's combined sewer system by July 1, 2025.
21. "State Water Control Law" means Chapter 3.1 (§ 62.1-44.2 *et seq.*) of Title 62.1 of the Va. Code.

22. "State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands. Va. Code § 62.1-44.3.
23. "Va. Code" means the Code of Virginia (1950), as amended.
24. "VAC" means the Virginia Administrative Code.
25. "VPDES" means Virginia Pollutant Discharge Elimination System.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. Alexandria Renew owns and operates the Plant which is located on a 33-acre site in the City of Alexandria. The Permit allows Alexandria Renew to discharge treated sewage and other municipal wastes from the Plant, to Hunting Creek/Hooff Run, in strict compliance with the terms and conditions of the Permit.
2. AlexRenew is an Extraordinary Environmental Enterprise (E4) Member, has received the Governor's Sustainability Award, the NACWA Platinum for 12 years, and the Potomac Riverkeeper's Partner of the Year (2018).
3. The Plant is authorized to discharge to both Hunting Creek and Hooff Run. The tidal portions of Hunting Creek and Hooff Run both have been identified with impairments for not supporting the fish consumption use, due to elevated levels of PCBs in fish tissue, and, not supporting the aquatic life use as dissolved oxygen observations do not meet all applicable open water dissolved oxygen requirements. Additionally, Hunting Creek is impaired for not supporting the recreation use due to elevated levels of *E.coli* bacteria. A bacteria TMDL for the Hunting Creek watershed has been completed and approved assigning waste load allocations to all the sources contributing to Hunting Creek, including the Plant, and CSO Outfalls 002, 003, and 004. The discharges from separate storm sewer systems, pet wastes, wildlife, and CSO discharges were listed among the potential sources contributing to the impairment.
4. In submitting its DMRs, as required by the Permit, and as indicated by the table below, Alexandria Renew has indicated that it exceeded discharge limitations contained in Part I.A.2 of the Permit, for the monthly quantity average, weekly quantity maximum, and weekly concentration maximum for Total Suspended Solids in December 2018 and March 2019; for exceeding the monthly concentration average maximum for Total Suspended Solids in March and April 2019; for exceeding the weekly quantity maximum and weekly concentration maximum limit for Total Phosphorus in December 2018 and March 2019; for exceeding the monthly concentration average and monthly quantity average for Total Phosphorus in March 2019; for exceeding the weekly quantity maximum, weekly concentration maximum limit for Total Suspended Solids in

December 2020; and for exceeding the weekly quantity maximum and weekly concentration maximum limit for Total Phosphorus in December 2020.

Parameter	Monitoring Period	Reported Results	Permit Requirement
TSS (monthly qty. avg.) kg/day	December 2018	1372	1200
TSS (weekly qty. max.) kg/day	December 2018	3715	1800
TSS (weekly cone. max.) mg/L	December 2018	11.2	9.0
Total Phosphorus (weekly qty. max) lbs./day	December 2018	212	120
Total Phosphorus (weekly cone. max.) mg/L	December 2018	0.28	0.27
TSS (monthly qty. avg.) kg/day	March 2019	2710	1200
TSS (weekly qty. max.) kg/day	March 2019	9213	1800
TSS (monthly cone. avg.) mg/L	March 2019	12.8	6.0
TSS (weekly cone. max.) mg/L	March 2019	39.4	9.0
Total Phosphorus (monthly qty. avg.) lbs/day	March 2019	143	81
Total Phosphorus (weekly qty. max) lbs/day	March 2019	528	120
Total Phosphorus (monthly cone. avg.) mg/L	March 2019	0.29	0.18
Total Phosphorus (weekly cone. max.) mg/L	March 2019	1.01	0.27
TSS (monthly cone. avg, max.) mg/L	April 2019	7.2	6.0
TSS (weekly qty. max) kg/D	December 2020	2788	1800
TSS (weekly cone. max) mg/L	December 2020	14.2	9
Total Phosphorus (weekly qty. max) Lbs/D	December 2020	170	120

Total Phosphorus (weekly conc. max) mg/L	December 2020	0.39	0.27
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5. On April 26, 2017, House Bill 2383 and Senate Bill 898 (Acts of Assembly Chapters 826 and 827) were signed into law ("2017 CSO Law"). The combined sewer serving a portion of the City of Alexandria, is required to comply with the Acts of Assembly Chapters 826 and 827. As set forth within the Act, construction activities are to begin no later than July 1, 2023, and be in compliance (construction completed) by July 1, 2025. This mandate is more stringent than the CSO Control Policy, as the seven year deadline did not provide the opportunity for cost/performance analyses to be completed as established within this national framework for combined sewer systems.
6. In response to the 2017 legislation, a revised Long Term Control Plan Update (LTCPU) was submitted to DEQ on May 4, 2018, by the City of Alexandria and AlexRenew that provides a plan to meet the 2025 deadline. The LTCPU sets forth a publicly vetted, preferred alternative, referred to as Option B+, consisting of a dual, unified tunnel system and wet weather treatment. These controls are predicted to achieve the water quality goals of the Hunting Creek Bacteria TMDLs for Outfalls 002, 003, and 004, and the Presumption Approach level of controls for Outfall 001. Option B, which does not include wet weather treatment, meets the requirement of the 2017 CSO Law. AlexRenew included the wet weather treatment in response to public comment to further reduce the volume and frequency of discharges from Outfall 001.
7. The owner and permittee of the combined sewer VPDES permit was previously the City of Alexandria. AlexRenew voluntarily offered to take responsibility for compliance with the 2017 CSO Law from the City of Alexandria because (1) the mining shaft and pumping station facilities are on AlexRenew property and (2) AlexRenew assert that they have the experience and resources to expedite the RiverRenew program. The City of Alexandria transferred the CSO outfalls and associated control structures to AlexRenew on May 1, 2018.
8. AlexRenew is proposing an interceptor and tunnel system, known as RiverRenew, to capture and convey the combined wastewater during wet weather events. Once commissioned by July 1, 2025, RiverRenew will enable AlexRenew to capture and treat, on average, 98% of the CSO events that would otherwise discharge, untreated, into the local waterways. In accordance with the approved LTCPU, the subsequent Preliminary Engineering Report (PER) and PER amendment, the RiverRenew Program will achieve the Hunting Creek Bacteria TMDL reduction requirements for Outfalls 002, 003, and 004. In addition, Outfall 001 will attain the Presumption Approach criteria as set forth in Section II.C.4.a of the EPA CSO Control Policy. The RiverRenew Program is designed to achieve the requirements as stated in the 2017 legislative mandate.

9. On December 16, 2018, Alexandria Renew staff reported storm induced “emergency overflows” of partially treated wastewater from the Facility. The report stated that this incident began on December 15, 2018, and lasted until December 16, 2018. Due to rainfall in the area, the facility experienced hydraulic overloading, a partial plant upset, and physical overflows of treatment process units. The main process units affected were the tertiary settling tanks, tertiary filtration, and Ultraviolet (UV) disinfection, resulting in a discharge of approximately 54 million gallons of tertiary settling tank effluent with no filtration and no UV disinfection. Approximately 16 million gallons of secondary effluent also bypassed the tertiary settling tanks and was discharged with no filtration and ultraviolet disinfection. As a result, a total of approximately 70 million gallons of partially treated wastewater entered Hooff Run, a State Water. This incident was assigned Incident Response (IR) number 2019-N-2277.
10. On December 16, 2018, Alexandria Renew staff reported a storm induced sanitary sewer overflow from the Four Mile Run Pump Station of approximately 1.2 million gallons of raw sewage to Four Mile Run, a State Water. This incident was assigned IR number 2019-N-2279.
11. On December 16, 2018, Alexandria Renew staff reported a storm induced SSO from the Hooff Run Junction Chamber of approximately one million gallons of raw sewage to Hooff Run, a State Water. This incident was assigned IR number 2019-N-2284.
12. NRO issued a Notice of Violation NOV No. W2019-02-N-0004 on March 8, 2019, to Alexandria Renew for the December 2018 unauthorized discharges and December 2018 permit limit exceedances. NRO issued NOV No. W2019-05-N-0001 on May 20, 2019, to Alexandria Renew for the March 2019 effluent violations, and NOV No. W2021-02-N-0004 on February 19, 2021, for the December 2020 effluent violations.
13. On March 22, 2019, Alexandria Renew staff reported a bypass of the tertiary filtration process at the Plant occurring on March 21 and March 22, 2019. Alexandria Renew staff reported that all bypassed flow was disinfected through the ultraviolet process before being discharged via Outfall 001. Alexandria Renew staff noted that 1.96 inches of rain fell at Ronald Reagan Washington National Airport (DCA) over 15 hours on March 21, 2019, causing high flow conditions with sustained peak flows of approximately 117 million gallons per day.
14. On December 26, 2019, Alexandria Renew staff reported an unauthorized discharge of sewage from the Hooff Run Junction Chamber. Multiple programmable logic controller failures caused the bar screen and raw sewage pumps to experience multiple issues causing high water conditions at the head works. These issues lead to an unauthorized discharge of approximately 700,000 gallons of raw sewage into Hooff Run. This incident was assigned Incident Response (IR) number 293221, and NOV No. W2020-02-N-0014 was issued to Alexandria Renew on March 3, 2020. In a letter dated March 12, 2020, Alexandria Renew noted that this incident was a result of HVAC equipment being upgraded as part of the construction schedule. As a result of the HVAC system being



down, the temperature in process control areas reached temperatures of above 100 degrees Fahrenheit, which lead to the equipment failures.

15. On July 24, 2020, Alexandria Renew reported an unauthorized discharge of partially treated effluent that occurred at the Facility as a result of the loss of power to one the five operating Ultraviolet (UV) channels during a high flow event, which resulted in partially disinfected effluent being discharged from the Plant via the Outfall to Hunting Creek, a State Water. An original 5-day letter describing the incident was submitted to DEQ on July 29, 2020, subsequently amended and submitted on August 17, 2020, and later corrected and amended on September 1, 2020. As part of the response to the high flow event and the UV sensor malfunction, operational staff converted the UV channel 3 into manual mode to keep UV banks A and B on continuously. Communication between the UV channel in question and the main SCADA system was subsequently lost. Operators performed visual observations throughout the night of July 23 and into the morning of July 24, 2020. Pictures were taken by the operators to document that the UV channel in question was operating, however intensity readings were not recorded. Following a shift change the morning of July 24, 2020, the operator noted that the UV channel in question appeared to be off. After observing this, operations staff took the UV channel in question out of service. During the incident, 4 of the 5 UV channels were fully operational. Approximately 1.1 MG of daily flow is estimated to have passed through the UV channel 3 in question between 6AM and 8:15AM on July 24, 2020. During this time, Alexandria Renew cannot confirm that the entire flow was disinfected since no *E.coli* samples were collected and analyzed to confirm disinfection. Alexandria Renew does not dispute the facts associated with this event, however asserts its belief that the incident does not result in a violation of water quality standards.
16. DEQ issued Notice of Violation No. W2020-09-N-0003 to Alexandria Renew on September 22, 2020, citing the July 24, 2020, unauthorized discharge event.
17. Alexandria Renew's operating logs indicate that it discharged treated wastewater from the Plant every day from December 2018 through the present date.
18. Part I.A.2 of the Permit contains permit effluent limitations.
19. Part II.F of the Permit states: "That except in compliance with this permit or another permit issued by the Board, it shall be unlawful for any person to: 1. Discharge into state waters sewage, industrial wastes, or any noxious, or deleterious substances; or 2. Otherwise alter the physical, chemical, or biological properties of such state waters and make them detrimental to the public health, or to animal or aquatic life, or to the use of such waters for domestic or industrial consumption or for recreation and for other uses."
20. Va. Code § 62.1-44.5 states that: "[E]xcept in compliance with a certificate issued by the Board, it shall be unlawful for any person to discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances."



21. The Regulation, at 9 VAC 25-31-50, also states that except in compliance with a VPDES permit, or another permit issued by the Board, it is unlawful to discharge into state waters sewage, industrial wastes or other wastes.
22. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a “certificate” under the statute.
23. Hooff Run and Hunting Creek are surface waters located wholly within the Commonwealth and is a “state water” as defined under State Water Control Law.
24. Based on the data reported on the December 2018, March 2019, and April 2019, DMRs, the unauthorized discharge events occurring on December 15 and 16, 2018, December 26, 2019, and July 24, 2020, and the bypass event reported to DEQ on March 22, 2019, the Board concludes that Alexandria Renew has violated Part 1.A.2, Part II.F, Va. Code §62.1-44.5, and 9 VAC 25-31-50 by discharging untreated sewage and municipal wastes from the Plant while concurrently failing to comply with the conditions of the Permit, as described in paragraph C(4) through C(23), above.
25. On April 11, 2019, Department staff met with representatives of Alexandria Renew to discuss the aforementioned violations. The basis of the violations were the result of significant rainfall totals for calendar 2018 and into early 2019, lack of wet weather storage at the Plant and biological processes that were upset due to the amount of stormwater entering the system from the combined sewer system, along with low influent temperatures. To mitigate future wet weather issues, planned upgrades include increasing the headworks capacity for wet weather flows, aeration upgrades for the biological trains and a unified conveyance and storage tunnel system to capture and later treat wet weather flows from the combined sewer system and separate sanitary collection systems owned and operated by others; also known as the RiverRenew Program. The construction portion of the project is scheduled to be completed by July 1, 2025. This completion date was established by the Virginia General Assembly in 2017, and the subsequent construction schedule was approved under VPDES Permit No. VA0087068 for the City of Alexandria Combined Sewer System. The conditions and requirements and the approved construction schedule under VPDES Permit No. VA0087068 will be merged into VA0025160 upon reissuance.
26. To date, AlexRenew has awarded a design-build contract and issued the contractor’s notice to proceed to construct the RiverRenew program on schedule.
27. During the construction associated with the River Renew program, Alexandria Renew acknowledges that it may experience additional permit effluent violations, and additional unauthorized discharges due to constrained wet weather storage and treatment plant capacity; including additional overflow occurrences at the Hooff Run Junction Chamber.
28. In order for Alexandria Renew to complete its return to compliance, DEQ staff and representatives of Alexandria Renew have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 62.1-44.15, the Board orders Alexandria Renew, and Alexandria Renew agrees:

1. To perform the actions described in Appendix A, B, and C of this Order; and
2. To a civil charge of \$39,494.00 in settlement of the violations cited in this Order, to be paid as follows:
  - a. Alexandria Renew shall pay \$3,949.40 of the civil charge within 30 days of the effective date of this Order. Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

Alexandria Renew shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Alexandria Renew shall be liable for attorneys' fees of 30% of the amount outstanding.

- b. Alexandria Renew shall satisfy \$35,544.60 of the civil charge by satisfactorily completing the Supplemental Environmental Project (SEP) described in Appendix C of this Order.
    - c. The net project costs of the SEP to Alexandria Renew shall not be less than the amount set forth in Paragraph D.2.b. If it is, Alexandria Renew shall pay the remaining amount in accordance with Paragraph D.2.a of this Order, unless otherwise agreed to by the Department. "Net project cost" means the net present after-tax cost of the SEP, including tax savings, grants and first-year cost reductions and other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or federal low-

interest loans, contracts or grants shall be deducted.

- d. By signing this Order Alexandria Renew certifies that it has not commenced performance of the SEP.
- e. Alexandria Renew acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks or otherwise by Alexandria Renew to a third party shall not relieve Alexandria Renew of its responsibility to complete the SEP as described in this Order.
- f. In the event it publicizes the SEP or the SEP results, Alexandria Renew shall state in a prominent manner that the project is part of a settlement of an enforcement action.
- g. The Department has the sole discretion to:
  - i. Authorize any alternate or equivalent SEP proposed by the Facility; and
  - ii. Determine whether the SEP or alternate SEP has been completed in a satisfactory manner.
- h. Should the Department determine that Alexandria Renew has not completed the SEP or alternate SEP in a satisfactory manner, the Department shall so notify Alexandria Renew in writing. Within 30 days of being notified, Alexandria Renew shall pay the amount specified in Paragraph D.2.b, above, as provided in Paragraph D.2.a, above.

#### **SECTION E: Administrative Provisions**

- 1. The Board may modify, rewrite, or amend this Order with the consent of Alexandria Renew for good cause shown by Alexandria Renew, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
- 2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
- 3. For purposes of this Order and subsequent actions with respect to this Order only, Alexandria Renew admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
- 4. Alexandria Renew consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.

5. Alexandria Renew declares it has received fair and due process under the Administrative Process Act and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.
6. Failure by Alexandria Renew to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Alexandria Renew shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Alexandria Renew shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Alexandria Renew shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Alexandria Renew. Nevertheless, Alexandria Renew agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
- a. The Director or his designee terminates the Order after Alexandria Renew has completed all of the requirements of the Order;
  - b. Alexandria Renew petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
  - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Alexandria Renew.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Alexandria Renew from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Alexandria Renew and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Alexandria Renew certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Alexandria Renew to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Alexandria Renew.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

By its signature below, Alexandria Renew voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 3<sup>rd</sup> day of August, 2021.



Thomas A. Faha, Regional Director

Department of Environmental Quality

City of Alexandria, Virginia, Sanitation Authority voluntarily agrees to the issuance of this Order.

Date: June 1, 2021 By: *Karen Pallansch* GM/CEO  
(Person) (Title)  
City of Alexandria, Virginia, Sanitation Authority

Commonwealth of Virginia

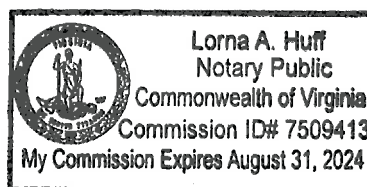
City/County of Alexandria

The foregoing document was signed and acknowledged before me this 1<sup>ST</sup> day of June, 2021, by Karen Pallansch who is GM/CEO of the City of Alexandria, Virginia, Sanitation Authority, on behalf of the Authority.

*Lorna A. Huff*  
Notary Public  
7509413  
Registration No.

My commission expires: August 31, 2024

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

**The City of Alexandria, Virginia, Sanitation Authority shall:**

1. Adhere to the schedule as defined by the 2017 CSO Law and VPDES Permit No. VA0025160. During construction and lasting until commission, Alexandria Renew shall continue to provide DEQ with annual General Assembly progress reports due every November 1<sup>st</sup>. Should any construction delays occur that should prevent Alexandria Renew from meeting its schedule, Alexandria Renew shall notify DEQ in writing within 30 days of learning of such delay.
2. Until commissioning of RiverRenew, the monitoring frequencies for pH, cBOD, TSS, D.O., Ammonia, *E. coli* and Total Phosphorus shall be reduced to a minimum of 3D/W due to safety concerns of plant personnel during the construction phase of the RiverRenew Program. All other parameters and their respective monitoring frequencies remain unchanged. A representative sampling program shall be established to capture the range of operational flow conditions over the course of the week and shall include at least one day between compliance sampling events. A sampling protocol shall be submitted to DEQ 30 days prior to commencement of construction and shall be approved by DEQ. Sampling shall begin upon approval of the sampling protocol by DEQ.
3. Pending the commission of the RiverRenew Program, Alexandria Renew shall operate the Facility in a manner that produces the best quality effluent of which it is capable, in order to minimize additional violations, and mitigate any potential impacts to water quality.
4. Should Alexandria Renew experience any additional unauthorized discharges from the Facility pending completion of the aforementioned deliverables, Alexandria Renew shall notify the local health department (and DEQ) within 24 hours of knowledge of such event. Alexandria Renew shall keep documentation of such notification to the local health department and shall make such notification available upon request of the Department and shall continue to submit 5-day letters to DEQ as required by the Permit.

### **DEQ Contact**

Unless otherwise specified in this Order, Alexandria Renew shall submit all requirements of Appendix A of this Order to:

**Attention: Enforcement  
VA DEQ-NRO  
13901 Crown Court  
Woodbridge, VA 22193**



## APPENDIX B

### INTERIM EFFLUENT LIMITATIONS AND MONITORING REQUIREMENTS

From the effective date of this Order until completion of commissioning of the RiverRenew project, the City of Alexandria, Virginia, Sanitation Authority shall monitor and limit the discharge from Outfall No. 001 of Alexandria Renew Enterprises Water Resources Recovery Facility in accordance with VPDES Permit Number VA0025160, except as specified below. These interim limits shall retroactively apply, if applicable, as of the first day of the month in which this Order becomes effective.

These requirements shall be construed in light of the Regulation.

Parameter	Parameter Limits	Monitoring Requirements
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	Monthly Average	Weekly Average	Minimum	Maximum	Sample Frequency	Sample Type
pH	NA	NL	6.0 S.U.	9.0 S.U.	3D/W	Grab
CBOD5	5 mg/L 1000kg/day	NL	NA	NA	3D/W	24H-C
TSS	6 mg/L 1200kg/day	NL	NA	NA	3D/W	24H-C
D.O.	NA	NL	6.0mg/L		3D/W	Grab
Ammonia as Nitrogen (April-October)	1.0 mg/L 200 kg/day	NL	NA	NA	3D/W	24H-C
Ammonia as Nitrogen (November-January)	8.4 mg/L	NL	NA	NA	3D/W	24H-C
Ammonia as Nitrogen (February-March)	6.9 mg/L	NL	NA	NA	3D/W	24H-C
<i>E.coli</i> (Geometric Mean)	126 n/100mL	NL			3D/W	Grab
Total Phosphorus	0.18 mg/L 81 lb/day	NL			3D/W	24H-C

## **APPENDIX C**

### **SUPPLEMENTAL ENVIRONMENTAL PROJECT (SEP)**

In accordance with Va. Code § 10.1-1186.2, City of Alexandria, Virginia, Sanitation Authority (Alexandria Renew) shall perform the Supplemental Environmental Project (SEP) identified below in the manner specified in this Appendix. As used in this Order and Appendix, SEP means an environmentally beneficial project undertaken as partial settlement of a civil enforcement action and not otherwise required by law.

1. The SEP to be performed by Alexandria Renew is removal of invasive species for the area around the Alexandria Renew Plant. A significant portion of the proposed project is currently visible to the public from the Limerick Street soccer field that was constructed above Alexandria Renew's Nutrient Management Facility. The project will improve the aesthetics of the natural areas and provide higher quality habitat for local wildlife that will contribute to greater public enjoyment of the area. Initial work involves the removal of invasive species and or the application of herbicides followed by revegetation with native species through a combination of seeding, 1-gallon plants, and livestakes. The second and third years of this project will include manual removal of invasive species and or application of herbicides as necessary. Alexandria Renew will follow the proposed plans and associated information submitted to DEQ as part of their SEP proposal.
2. The SEP shall be completed upon commissioning of the RiverRenew project. The SEP includes a two year monitoring period during which success of the planting shall be monitored.
3. Alexandria Renew shall submit progress reports on the SEP on a quarterly basis, due the 10th day of January, April, July, and October. The first quarterly report shall be submitted to DEQ after the 1<sup>st</sup> quarter that the SEP has been initiated by Alexandria Renew. These progress reports shall also include the monitoring period of the SEP. Submittal of quarterly progress reports shall continue through completion of the SEP.
4. Alexandria Renew shall submit a written final report on the SEP, verifying that the SEP has been completed in accordance with the terms of this Order and certified either by a Certified Public Accountant or by a responsible corporate officer or owner. Alexandria Renew shall submit the final report and certification to the Department within 30 days of commissioning of the RiverRenew project.
5. If the SEP has not or cannot be completed as described in the Order, Alexandria Renew shall notify DEQ in writing no later than June 1, 2023. Such notification shall include:
  - a. an alternate SEP proposal; or
  - b. payment of the amount specified in Paragraph D.2.b as described in Paragraph D.2.a.

6. Alexandria Renew hereby consents to reasonable access by DEQ or its staff to property or documents under the party's control, for verifying progress or completion of the SEP.
7. Alexandria Renew shall submit to the Department written verification of the final overall and net project cost of the SEP in the form of a certified statement itemizing costs, invoices and proof of payment, or similar documentation within 30 days of the project completion date. For the purposes of this submittal, net project costs can be either the actual, final net project costs or the projected net project costs if such projected net project costs statement is accompanied by a CPA certification or certification from Alexandria Renew's Chief Financial Officer concerning the projected tax savings, grants or first-year operation cost reductions or other efficiencies.
8. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to the contact identified in Appendix A of this Order.